

1/22/13

Gmail 2nd Notice DMCA Infringement



2nd Notice DMCA Infringement

Trout Point Lodge <trout.point.lodge@gmail.com>
To: abuse@dreamhost.com

31 December 2012 11:55

Subject: Notice of Copyright Infringement

There are 2 copyrighted works being infringed on slabbed.org, hosted by DreamHost. We have repeatedly given DreamHost notice of past violations by this web site involving these images.

The 1st copyrighted work at issue is the IMAGE that appears on:

<http://www.slabbed.org/2012/09/25/jefferson-parish-corruption-omnibus-today-aaron-broussard-put-his-hand-on-a-bible-and-admitted-he-is-a-filthy-sack-of-crap/>

and

<http://www.slabbed.org/2012/09/11/lets-talk-a-bit-more-about-aaron-broussards-evidence-of-other-crimes-involving-the-resort-at-trout-point-nova-scotia-and-the-use-of-slapp-suits-by-his-business-associates-in-canada/>

and

<http://www.slabbed.org/2011/09/08/slabbed-solves-the-mystery-on-the-shores-of-the-tusket-river-in-nova-scotia-as-we-reveal-the-trout-point-connection-to-the-jefferson-parish-political-corruption-scandal/>

The 2nd copyrighted work at issue is the IMAGE that appears on:

<http://www.slabbed.org/2012/12/04/wash-rinse-repeat-aaron-broussards-former-property-managers-in-canada-again-sue-slabbed-for-defamation-in-nova-scotia/>

The URLs where the 1st copyrighted Image appeared have now been removed from publication. Please see attached transfer of copyright to me from the Ashoka Foundation assigning me the rights over this image.

The URL where the 2nd copyrighted image appears is: <http://www.thestar.com/news/canada/article/1125508-mississippi-blogger-must-pay-a-gay-couple-425-000-in-damages-nova-scotia-court-orders>

WE WILL PURSUE LEGAL ACTION AGAINST DREAMHOST UNDER THE CANADA COPYRIGHT ACT IF THESE IMAGES—EITHER HOSTED OR

<http://mail.onsite.com/mail?ui=7&ik=7he9777ed&viewant&n=DMCA&ns=true&search=nuerv&the13hf1ar&...>

EXHIBIT E

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Umail - 2nd Notice DMCA Infringement

EMBEDDED—ARE NOT REMOVED FROM INFRINGING PUBLICATION. THE UNITED STATES AND CANADA HAVE NUMEROUS TREATIES RECIPROCALLY PROTECTING COPYRIGHT. THERE IS NO CDA PROTECTION FOR PUBLISHING THESE INFRINGING WORKS.

You can reach me at trout.point.lodge@gmail.com for further information or clarification. My phone number is +1-902-761-2142 and my mailing address is Charles Leary, Trout Point Lodge, P.O. Box 456, Kemptville, NS B0W 1Y0 Canada.

The email address of the website owner, who has republished Trout Point Lodge's content illegally, is: earning04@gmail.com

Section 512 of the DMCA has a safe-harbor provision that relates to links you post to other online material located elsewhere or embedded material. This safe-harbor provision is found in section 512(d), and it states that an online service provider will not be held liable for money damages "for infringement of copyright by reason of the provider referring or linking users to an online location containing infringing material or infringing activity, by using information location tools, including a directory, index, reference, pointer, or hypertext link." If DreamHost hosted this copyrighted material or hosted links to this image without knowing that it infringed copyright, the language of this section appears to relieve DreamHost of liability, as long as DreamHost did not have actual knowledge that the material it linked to/embedded is infringing, or know any surrounding facts that would make the infringement apparent; did not receive any financial benefit directly attributable to the infringing activity if DreamHost had the ability to control such activity; and if DreamHost now acts expeditiously to remove or disable access to the infringing material (such as by taking away the link/embedded image) upon obtaining knowledge or awareness that the material is infringing or upon receiving this properly drafted notice of infringement.

I have a good faith belief that use, linking, and/or embedding of the copyrighted materials described above as allegedly infringing is not authorized by the copyright owner, its agent, or the law.

I swear, under penalty of perjury, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed. By typing in my name below, I agree that this is my digital signature.

Charles L. Leary

—
Trout Point Lodge of Nova Scotia
www.troutpoint.com
Small Luxury Hotels of the World
online reservations

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